

Senate Bill 523

By: Senators Cowser of the 46th, Mullis of the 53rd, Heath of the 31st and Pearson of the 51st

AS PASSED

**A BILL TO BE ENTITLED
AN ACT**

To amend Article 7 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to state authorities involved with conservation, natural resources, and cultural activities, so as to reconstitute the governance of the Georgia Sports Hall of Fame Authority; to provide for a new governing body for the authority and its members and their appointments, terms, vacancies, duties, and compensation; to provide for appropriate staff of the authority; to authorize the authority to create and enter into a nonprofit corporation to assist with certain functions of the authority; to provide that the Georgia Sports Hall of Fame Authority and the Georgia Music Hall of Fame Authority shall to the maximum extent possible work jointly to realize efficiencies and economies in the operation of their adjacent facilities; to provide for requests for proposals for new locations or alternative ownership, management and operation at the same location; to rename the Georgia Music Hall of Fame Authority Overview Committee and provide it with a legislative oversight function with respect to both authorities named above; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 7 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to state authorities involved with conservation, natural resources, and cultural activities, is amended by revising Code Section 12-3-562, relating to the Georgia Sports Hall of Fame Authority, and adding a new Code Section 12-3-562.1 as follows:

"12-3-562.

(a) There is created a body corporate and politic to be known as the Georgia Sports Hall of Fame Authority which shall be deemed to be an instrumentality of the State of Georgia and a public corporation; and by that name, style, and title such body may contract and be contracted with, bring and defend actions, implead and be impleaded, and complain and defend in all courts of this state.

(b)(1) The terms of all members of the authority who are in office on April 30, ~~1998~~ 2010, shall terminate on such date, and new members shall be appointed to the authority for initial terms beginning on May 1, ~~1998~~, as specified in this subsection. From May 1, ~~1998~~, until January 1, ~~1999~~, the authority shall consist of 16 members. Thereafter, the authority shall consist of 18 members Effective July 1, 2010, the authority shall be under the governance of new members appointed as provided in paragraph (2) of this subsection.

(2) Members shall be appointed as follows:

(A) ~~Three~~ Five members shall be appointed by the Governor for initial terms of office ending on January 1, ~~1999~~;

~~(B) Three members shall be appointed by the Governor for initial terms of office ending on June 30, 2000;~~

~~(C) Two members shall be appointed by the Governor for initial terms of office ending on December 31, 2000;~~

~~(D) Five members shall be appointed by the Governor for initial terms of office ending on December 31, 2002;~~

~~(E) One member shall be appointed by the President of the Senate for an initial term of office ending on January 1, 1999;~~

~~(F)~~(B) Two members shall be appointed by the President of the Senate for initial terms of office ending on December 31, 2002; and

~~(G) One member shall be appointed by the Speaker of the House of Representatives for an initial term of office ending on January 1, 1999; and~~

~~(H)~~(C) Two members shall be appointed by the Speaker of the House of Representatives for initial terms of office ending on December 31, 2002.

(3) ~~A successor to each member shall be appointed by the same appointing official as provided in paragraph (2) of this subsection, provided that the Governor shall appoint successors for only two of the members appointed by the Governor with initial terms ending on January 1, 1999. Following the initial terms specified in paragraph (2) of this subsection, the terms of all members shall be four years. The members appointed to take office on July 1, 2010, shall serve until December 31, 2011, and until their respective successors are appointed and qualified. Successors to such members shall be appointed to serve four-year terms of office and until their respective successors are appointed and qualified. A member may be appointed to succeed himself or herself.~~

(4) Any elected or appointed state, county, municipal, or school board official or employee, except officials and employees of the legislative or judicial branches of state government, may be appointed and serve as a member of the authority.

(c) Vacancies in office shall be filled in the same manner as original appointments. An appointment to fill a vacancy shall be for the unexpired term. The authority shall elect its own officers. No vacancy on the authority shall impair the right of the quorum to exercise all rights and perform all duties of the authority.

(d) The members of the authority shall receive for each day that such members are in attendance at a meeting of the authority the same daily expense allowance and reimbursement for transportation costs as provided for members of the General Assembly, as provided for in Code Section 45-7-21; and the members of the authority may be reimbursed from funds of the authority for reasonable mileage expenses incurred in furtherance of official business of the authority. Otherwise, they shall not receive any other compensation for their services as such.

(e) The authority shall have perpetual existence. Any change in name or composition of the authority shall in no way affect the vested rights of any person under this part or impair the obligations of any contracts existing under this part.

(f) The members of the authority shall be accountable in all respects as trustees. The authority shall keep suitable and proper books and records of all receipts, income, and expenditures of every kind and shall submit for inspection all the books, together with the proper statement of the authority's financial position, to the state auditor.

(g) The authority is assigned to the Department of Economic Development for administrative purposes only.

(h) The authority shall appoint, with the prior consent of the commissioner of economic development, appropriate staff as needed who shall be experienced and competent in such areas as management, fund raising, and marketing. The staff shall serve at the pleasure of the authority and shall be compensated from funds of the authority in such amount as shall be fixed by the authority.

(i) The authority may create and may enter into cooperative agreements with a nonprofit corporation to serve as a foundation to assist with the raising of funds and the generation of revenues for the purposes of the authority.

12-3-562.1.

The Georgia Sports Hall of Fame Authority and the Georgia Music Hall of Fame Authority shall to the maximum extent possible work jointly to realize efficiencies and economies in the operation of their adjacent facilities. The two authorities shall make all possible efforts to consolidate and coordinate marketing, operational, maintenance, property management and other activities so as to achieve such efficiencies and economies. Not later than September 30, 2010, each such hall of fame authority shall issue a request for proposals for a new location or alternative ownership, management and operation at the same location

99 for the respective hall of fame facility. Such requests for proposals shall be disseminated
100 to each county and municipal governing authority in the state and shall require that any
101 proposal be submitted not later than December 31, 2010. Any county or municipality
102 wherein such a hall of fame authority is located shall be eligible to submit a proposal; and
103 it is the intention of the General Assembly that such a proposal shall be required as a
104 condition for continued state funding support in a current location. Upon receipt of one or
105 more proposals, the hall of fame authority shall conduct a staff review of each proposal
106 received. A primary consideration in the review of the proposals shall be the effect of each
107 proposal on the current and future operating budgets of the authority and self-sustainability
108 of the authority, including a determination of whether cost savings and operational
109 efficiencies can be effected through moving to a new location or alternative ownership,
110 management and operation at the same location as proposed. Upon completion of the staff
111 review, the findings shall be submitted to the governing body of the hall of fame authority.
112 Each hall of fame authority shall not later than April 30, 2011, submit to the Governor, the
113 Lieutenant Governor, the Speaker of the House of Representatives, and the chairpersons
114 of the Senate and House appropriations committees a report detailing the activities of the
115 authority with respect to issuance of the request for proposals, receipt and evaluation of
116 proposals, and the decision of the authority with respect to acceptance of proposals."

117 **SECTION 2.**

118 Said article is further amended by adding a new Code Section 12-3-522.1 to read as follows:

119 "12-3-522.1.

120 The Georgia Music Hall of Fame Authority and the Georgia Sports Hall of Fame Authority
121 shall to the maximum extent possible work jointly to realize efficiencies and economies in
122 the operation of their adjacent facilities. The two authorities shall make all possible efforts
123 to consolidate and coordinate marketing, operational, maintenance, property management
124 and other activities so as to achieve such efficiencies and economies. Not later than
125 September 30, 2010, each such hall of fame authority shall issue a request for proposals for
126 a new location or alternative ownership, management and operation at the same location
127 for the respective hall of fame facility. Such requests for proposals shall be disseminated
128 to each county and municipal governing authority in the state and shall require that any
129 proposal be submitted not later than December 31, 2010. Any county or municipality
130 wherein such a hall of fame authority is located shall be eligible to submit a proposal; and
131 it is the intention of the General Assembly that such a proposal shall be required as a
132 condition for continued state funding support in a current location. Upon receipt of one or
133 more proposals, the hall of fame authority shall conduct a staff review of each proposal
134 received. A primary consideration in the review of the proposals shall be the effect of each

proposal on the current and future operating budgets of the authority and self-sustainability of the authority, including a determination of whether cost savings and operational efficiencies can be effected through moving to a new location or alternative ownership, management and operation at the same location as proposed. Upon completion of the staff review, the findings shall be submitted to the governing body of the hall of fame authority. Each hall of fame authority shall not later than April 30, 2011, submit to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the chairpersons of the Senate and House appropriations committees a report detailing the activities of the authority with respect to issuance of the request for proposals, receipt and evaluation of proposals, and the decision of the authority with respect to acceptance of proposals."

SECTION 3.

Said article is further amended by revising Part 11, relating to the Georgia Music Hall of Fame Authority Overview Committee, as follows:

"12-3-550.

There is created as a joint committee of the General Assembly the Georgia ~~Music Hall of Halls of~~ Fame Authority Overview Committee to be composed of five members of the House of Representatives appointed by the Speaker of the House and five members of the Senate appointed by the President of the Senate. The members of the committee shall serve two-year terms concurrent with their terms as members of the General Assembly. The chairman of the committee shall be appointed by the President of the Senate from the membership of the committee, and the vice chairman of the committee shall be appointed by the Speaker of the House of Representatives from the membership of the committee. The chairman and vice chairman shall serve terms of two years concurrent with their terms as members of the General Assembly. Vacancies in an appointed member's position or in the offices of chairman or vice chairman of the committee shall be filled for the unexpired term in the same manner as the original appointment. The committee shall periodically inquire into and review the operations of the Georgia Music Hall of Fame Authority and the Georgia Sports Hall of Fame Authority, as well as periodically review and evaluate the success with which ~~the~~ each authority is accomplishing its statutory duties and functions as provided in this ~~part~~ article.

12-3-551.

The state auditor, the Attorney General, and all other agencies of state government, upon request by the committee, shall assist the committee in the discharge of its duties as set forth in this part. The committee may employ not more than two staff members and may secure the services of independent accountants, engineers, and consultants.

12-3-552.

The Georgia Music Hall of Fame Authority and the Georgia Sports Hall of Fame Authority shall cooperate with the committee, its authorized personnel, the Attorney General, the state auditor, the state accounting officer, and other state agencies in order that the charges of the committee, set forth in this part, may be timely and efficiently discharged. ~~The~~ Each authority shall submit to the committee such reports and data as the committee shall reasonably require of ~~the~~ each authority in order that the committee may adequately perform its functions. The Attorney General is authorized to bring appropriate legal actions to enforce any laws specifically or generally relating to the ~~Georgia Music Hall of Fame Authority~~ two authorities. The committee shall, on or before the first day of January of each year, and at such other times as it deems necessary, submit to the General Assembly a report of its findings and recommendations based upon the review of the ~~Georgia Music Hall of Fame Authority~~ two authorities, as set forth in this part.

12-3-553.

In the discharge of its duties, the committee shall evaluate the performance of the Georgia Music Hall of Fame Authority and the Georgia Sports Hall of Fame Authority consistent with the following criteria:

- (1) Prudent, legal, and accountable expenditure of public funds;
- (2) Efficient operation; and
- (3) Performance of its statutory responsibilities.

12-3-554.

- (a) The committee is authorized to expend state funds available to the committee for the discharge of its duties. Said funds may be used for the purposes of compensating staff personnel, paying for services of independent accountants, engineers, and consultants, and paying all other necessary expenses incurred by the committee in performing its duties.
- (b) The members of the committee shall receive the same compensation, per diem, expenses, and allowances for their service on the committee as is authorized by law for members of interim legislative study committees.
- (c) The funds necessary for the purposes of the committee shall come from the funds appropriated to and available to the legislative branch of government."

SECTION 4.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

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SECTION 5.

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All laws and parts of laws in conflict with this Act are repealed.